

IN THE MATTER OF:
CARL LENTZ
8112 KAVANAGH ROAD
DUNDALK, MARYLAND 21222-4715

RE: DENIAL OF PERSONAL
RESIDENTIAL RESERVED
PARKING SPACE

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. CBA-23-011

* * * * *

OPINION

This case comes to the Board of Appeals for Baltimore County (the “Board”) as the result of the denial of an application for personal reserved parking space at 8112 Kavanagh Road in Dundalk, Maryland 21222-4715 (the “Property”), as set forth by letter dated October 27, 2022 by Kristoffer Nebre, Division Chief of the Baltimore County Division of Traffic Engineering to Mr. Carl Lentz. Appellant appealed the denial of application on November 15, 2022. A hearing was scheduled on January 10, 2023. Appellant failed to appear for the scheduled virtual hearing and an Order of Dismissal was issued for the Failure to Appear on February 2, 2023. A Motion for Reconsideration was subsequently filed on February 9, 2023.

On April 12, 2023, the Board convened for a virtual public deliberation to consider the motion. The Motion for Reconsideration was granted. Immediately following the public deliberation, the Board held a virtual public hearing. Baltimore County (the “County”) was represented by Mr. Wesley Bohle of the Baltimore County Division of Traffic Engineering. Mr. Lentz appeared *pro se*.

The County testified that its office received a Handicapped Parking Field Form from the Maryland Department of Transportation (“Field Form”) for Mr. Lentz dated October 20, 2022 (County Exhibits 1A-1B). Following receipt of the Field Form, Mr. Bohle visited and inspected the Property and took photographs of the front and rear of the Property on his visit. (County

Exhibits 2B-2C). The Property is a row house (aerial view – County Exhibit 2-A). County Exhibit 2B shows the front of the Property with six steps up to the front door of the Property with no railing (approximately 30 feet - curb to house). County Exhibits 2C shows the rear of the Property, with an 18 foot wide and 22 foot long parking area (approximately 1 foot from parking pad to rear of house with a vehicle parked on said pad). County Exhibit 2C shows the rear entrance to the Property with five steps and a railing on one side leading to the first floor entrance of the property.

Mr. Bohle stated that on the basis of the State’s verification of physical disability (Exhibits 1A-1B), the County did not contest Mr. Lentz’s disability. However, Mr. Bohle cited Code of Maryland Regulations, Title 11, Subtitle 16, Chapter 11, which states that a “reserved parking space may not be authorized to the applicant whose property has adequate and accessible off-street parking available.” (County Exhibit 3). He also referred to §21-1005 of the Maryland Transportation Article¹ (County Exhibit 4), and the Baltimore County Policy on Reserved Parking Spaces for Persons with Physical Disabilities (the “BC Policy”) (County Exhibit 5). The County concluded that Mr. Lentz did not meet the requirements to be issued a personal reserved parking space for a person with physical disabilities. Mr. Bohle submitted into evidence the aforementioned letter from Mr. Nebre, on behalf of the County, to Mr. Lentz, denying Mr. Lentz’s request for a personal reserved physical disabilities parking space. (County Exhibit 6). The County testified that the Property has available rear off-street parking which is accessed through an alley way.

The BC Policy (County Exhibit 5) identifies the factors for determining the approval or denial of an application for reserved on-street parking spaces for persons with physical

¹ Section 21-1005(l) of the Maryland Transportation Article states that “In Baltimore County, the establishment of a personal residential parking space shall be subject to approval of the Baltimore County Department of Traffic Engineering, in accordance with the charter and public laws of Baltimore County.”

disabilities. Section 3, entitled "Parking Space", and more particularly, as is relevant here, Sections 3(B) and 3(C) of the BC Policy states the following:

(B) A reserved on-street parking space will not be authorized for any applicant whose property has a self-contained off-street parking area or where off-street parking is provided to the applicant by private sources. This item shall apply to all properties regardless of the time they were built or subdivided. (The property shall be considered to have an available off-street parking area if the aforementioned area existed at the time that the applicant purchased or moved into the property or if it was made available at any subsequent time. If a parking pad, driveway, concrete ribbons, garage, soil stabilized area, etc., was removed or made inaccessible at any time after the applicant purchased or moved into the property, the parking area shall still be considered to exist for purposes of this policy.

(C) The property shall be evaluated on whether the off-street parking area exists, not on whether an off-street parking area is available for use. In addition, the placement of any non-permanent objects on top of a parking area (e.g., boats, campers, trailers, above-ground pools, sheds, etc.) will not in any way alter the recognition that the parking area does in fact exist.

When describing the Property, including reference to the photographs, Mr. Bohle testified that the rear of the property has an off-street parking area, and as such, testified that the application was denied pursuant to BC Policy Section 3(B), with 3(C) having applicability as well.

Mr. Lentz testified that the rear parking is not accessible and is not safe for him to access the property. He further explained that the photos taken were not current. The former property owners installed fencing around the rear of the property that renders the parking pad inaccessible. Mr. Lentz submitted an exhibit to the Board that included photos of the rear parking area, the alley, and of the front of the property to support his testimony. Mr. Lentz explained his disabilities to the Board. He further explained that modifications are being made to the front steps and a railing is being installed to allow him better access to his home.

DECISION

In order to reverse the decision of the Baltimore County Division of Traffic Engineering with respect to handicapped parking spaces, Section 8 of the BC Policy, entitled “Appeal of Denial of Reserved Parking Space,” requires that the Board find that the Applicant meets all of the conditions set forth therein.

The conditions are as follows:

(A) The applicant and/or their household has taken all reasonable measures to make the off-street parking area usable and available to the disabled applicant.

(B) The disability of the applicant is of such a severe degree that an extreme hardship would exist if the applicant were to use the available off-street parking.

(C) The approval of a reserved on-street space is determined to be one of medical necessity and not one of mere convenience for the applicant.

(D) The hardships placed on the applicant’s neighbors by reserving an exclusive on-street space for the applicant is outweighed by the hardship that would be placed on the applicant if the space were not approved.

As reflected by Mr. Lentz’s testimony and as illustrated in County Exhibits 2-C as well as in the photos Mr. Lentz presented that included photos of the rear of the Property, the fencing in the rear parking area makes the area an extreme hardship and would deny his accessibility through the rear of the Property. The Board finds these unique conditions render the parking pad inaccessible and is therefore unavailable for his use. Under Section 8(A), there must be evidence that Mr. Lentz has taken “all reasonable measures to make the off-street parking area usable and available.” (County Exhibit 4). Since it is unreasonable to enforce the removal of the fencing and require additional modifications to the rear of the property for the purpose of rendering it accessible, the Board finds that Mr. Lentz has met that burden. The record reveals that the rear-parking is not usable nor accessible by Mr. Lentz given his physical disability and that extreme hardship would exist if he was forced to use the rear entrance to access his main floor.

Based on the evidentiary record in front of the Board, the decision of the Baltimore County Division of Traffic Engineering is reversed and that the application for the personal residential reserved parking space is granted.

ORDER

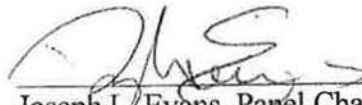
THEREFORE, IT IS THIS 31st day of May, 2023, by the Board of Appeals of Baltimore County,

ORDERED that the decision of the Division of Traffic Engineering dated October 27, 2022 in Case No. CBA-23-011 be and the same is hereby **REVERSED**; and it is further

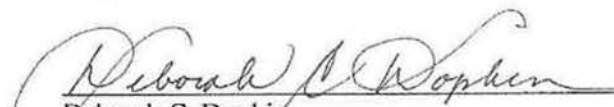
ORDERED that the application of Mr. Carl Lentz for a personal reserved parking space at 8112 Kavanagh Road, Dundalk, Maryland 21222, be and the same is hereby **GRANTED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS OF
BALTIMORE COUNTY**



Joseph L. Evans, Panel Chair



Deborah C. Dopkin



Sharonne R. Bonardi



Board of Appeals of Baltimore County

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May 31, 2023

Carl Lentz
8112 Kavanagh Road
Dundalk, Maryland 21222-4715

Re: In the matter of: *Carl Lentz*
Case No.: CBA-23-011

Dear Mr. Lentz:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script, reading "Sunny Cannington", is written over a horizontal line.

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure

c: Michael Soriano, Manager/Investigative & Security Division/Motor Vehicle Administration
Joseph A. "Jay" Doyle, Project Manager/Housing and Community Development
Kristoffer L. Nebre, Chief/Division of Traffic Engineering
D'Andrea L. Walker, Director/Department of Public Works
James R. Benjamin, Jr., County Attorney/Office of Law